THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25419 of 2006

06.12.2006

Between:

Smt.Goli Lakshmi, W/o.G.S.R.Chowdary
And others

... Petitioners

AND

The District Collector, Nellore
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25419 of 2006

ORDER:

The five petitioners filed the instant writ petition aggrieved by notice of enquiry bearing No.Rc.E7/1148/2006, dated 18.8.2006, issued by the first respondent informing the petitioners that they may appear before the Joint Collector on 26.8.2006 with all the necessary documents in connection with the cancellation of Pattadar Pass Books (PPBs) and title deeds in respect of the land comprised in survey Nos.672, 687 etc. The petitioners claim that they have purchased the subject land and obtained PPBs and title deeds. They are allegedly in possession and cultivating the land. The third respondent herein sent a report to the first respondent on 08.8.2006 stating that the petitioners obtained PPBs and title deeds in respect of the land belonging to the Government and requested for transfer. The petitioners deny the same.

Learned Counsel for the petitioners contends that when the enquiry is to be conducted by the Joint Collector in the matter of cancellation of PPBs and title deeds, notice issued by the first respondent is not proper. Secondly, he submits that revisional power under Section 9 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) is available in relation to the orders passed by recording authority in the matter of record of rights and the same is not available in the matter of cancellation of PPBs and title deeds. Lastly he would urge that when the land is allegedly Government land, the Act itself has no application, as per Section 12 of the Act and, therefore, the notice issued is one without jurisdiction. These contentions are refuted by the learned Government Pleader for Revenue (General-A).

The petitioners only assail the enquiry notice requiring them to appear before the Joint Collector. They filed a joint explanation giving all the details of ownership and the enquiry is still pending. Therefore, writ petition cannot be entertained at the stage of enquiry. This is well settled. A reference may be made to paragraph 5 of the decision held by the Supreme Court in **Special Director v Mohd. Ghulam Ghouse**[1], wherein it was held that ordinarily at the stage of show cause notice or at the stage of enquiry, writ petition for stalling such enquiry/investigation would not lie. Even the person against whom an enquiry is ordered complains of lack of jurisdiction, such question can always be raised before appropriate authority. Therefore, the petitioners are given liberty to raise all grounds, which are raised in

this writ petition if necessary by filing additional explanation/representation before the second respondent, who shall consider the same and pass appropriate orders in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

December 06, 2006
YS

---

[1] (2004) 3 SCC 440